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Vermont Association for Justice

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VTAJ

February 3, 2016

Opposition to "Lighten the Load" Proposal to Eliminate Right to Jury Trial in Workers' Compensation Claims, and

Opposition to Court Call Centers

Dear Chairwoman Grad and Members of the House Judiciary Committee:

Opposition to Elimination of Right to Jury Trial in Workers' Compensation Claims

The Vermont Association for Justice (VTAJ) strongly opposes the elimination of a right to a jury trial in workers' compensation claims. As presently raised in the "Lighten the Load" rule change proposal, striking this right fundamentally challenges the constitutional right of a trial by jury. In addition, removing this right offends the spirit of the "grand bargain" struck in the passage of the Workers' Compensation Act in 1915, an Act that has been the bedrock of safety protections and guidance for Vermont employees and employers for over 100 years. Further, any alleged efficiency proposed by eliminating de novo trials for workers' compensation claims for purposes of "lightening the load" of our trial courts is strongly outweighed by the proposal's proscription of citizens' rights. The number of de novo trials is miniscule yet the availability of this remedy maintains the equilibrium of the justice in workers' compensation cases. We strongly oppose this move to eliminate the right of de novo trials for workers' compensation matters.

Opposition to Court Call Centers

The VTAJ opposes judicial centralized call centers on the basis that it adds burden and expense for claimants, fosters delay, and encourages alienation and a denial of access to justice.

Comments from our members show that the Court call center effort, already underway in Chittenden County Courts, fails to provide improved access or greater service for litigants or practitioners. The call center in place has resulted in a substantial wait time and a gauntlet of screening questions with no ability for lawyers or staff to bypass. This results in added wait time for lawyers and their staff, an expense that litigants must bear.

When no one is accountable, no one is safe.

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In addition, a court central call center for non-attorney callers promotes alienation, resulting in diminished access to the court system for *pro se* litigants. The wait time may pose an untenable financial burden where callers use track phones or pre-paid minute plans. Where English may not be a caller's first language or a caller seeks specific details regarding handicap accessibility on a particular day at a particular courthouse, callers may find themselves unable to access crucial information. Moreover, very often people accessing our courts are in crisis and need immediate assistance. Responding to their questions with a call center announces, at best, ambivalence for their circumstance.

We believe our Courts must remain a place of open access. Promoting access to justice must allow for and anticipate human interaction with persons that may be in crisis that need careful and direct information tailored to their inquiries. As demonstrated, this cannot, and we feel, should not be provided by call centers.

We appreciate your time. Please do not hesitate to contact me should you have any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Van B. Kittell', written over a horizontal line.

Vanessa Branon Kittell, Esq.

VTAJ President

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